



## Alcimedès

Rape within marriage has been illegal in England and Wales since the landmark House of Lords' ruling in *R v R* (1991).<sup>1</sup> However, this crime remains very difficult to prove. Some of the potential complexities were recently highlighted in a case from mid-Wales where a woman alleged she was raped six times by her husband on three separate occasions.<sup>2</sup> She subsequently had consensual sex with him before he appeared in court to face the allegations; she then retracted her initial allegation and asked for the case to be dropped. However, not only did the CPS decide to continue with the prosecution, but the police also arrested and charged the wife with perverting the course of justice.

Four months later, by which time the marriage was over, the wife made a new statement, claiming that the initial allegation of rape had been correct but that the retraction had been false. As a result of admitting that the *retraction* was false (and not the initial allegation) she was sent to prison for eight months. Judge John Rogers stated that she had caused "*a substantial amount of wastage for the Crown Prosecution Service and police*".

At a subsequent hearing in November 2010, the woman won her case at the Court of Appeal, with the judges ordering her to serve a community sentence with a two-year supervision order instead. Women's groups have criticised this judgment as they maintain that such rulings will deter rape victims from coming forward. However, they are likely to welcome the UK's Coalition Government U-turn on a previous suggestion that anonymity should be granted for alleged suspects of rape.<sup>3</sup> The Justice Minister Crispin Blunt has argued that there is insufficient evidence to justify such a change in policy. The recent independent report by Baroness Vivien Stern had made no recommendations on granting anonymity to rape defendants, claiming that further independent research was required due to inconsistency in the figures for possible false allegations.<sup>4</sup>

Meanwhile, the "*Where is your line?*" report<sup>5</sup> commissioned by The Havens has received much attention in the general media. This survey of a random sample of 1012 adults aged 18–25 considered their attitudes to sexual boundaries in intimate situations. *Inter alia*, 9% of women claim that they have said "No" to sex but have been ignored, and 75% of women c.f. only 54% of men believe that it constitutes rape if the partner changes his or her mind during sex, but the other person continues.

A controversial fertility scheme from the US has landed on UK shores and found its first subject in the form of "John", an IV drug addict from Leicester. "Project Prevention" offers sterilisation to drug addicts and, in return, the addict is financially rewarded.<sup>6</sup> John, who donated his vasa deferentia for ligation in return for £200, admitted that "*I should never be a father*". In a touching display of self-loathing, he accepted that he found it difficult to look after himself, let alone any children he might father. The scheme, which has treated 3500 addicts in the US has, not surprisingly, attracted much controversy from several different directions, including drug support groups and

religious organisations, who feel that such a project exploits vulnerable individuals with chaotic lifestyles whose decisions and reasoning may be questionable. As a result, Project Prevention has decided to support long-term contraception for UK addicts, rather than sterilisation procedures "*until further notice*".<sup>7</sup> It is not clear if John needed a hand to supply two post-op semen samples for analysis.

A support scheme for Paedophiles is being rolled out across the UK by a charity, following the claimed success of a pilot scheme in Yorkshire. "Circles UK" provides support, including regular meetings for paedophiles, to help these individuals re-integrate into society and reduce their likelihood of recidivism. Although this project has received criticism, not least for the concern that gathering paedophiles together into the same room may actually increase re-offending, the charity quotes figures from a similar scheme in Canada which saw a reduction in re-offending by 70%.<sup>8,9</sup>

Following on from the West Cumbria shootings of 12 people by Derrick Bird in June 2010, the Association of Police Officers (ACPO) has published a report looking into this tragedy and is suggesting changes in national firearm licensing.<sup>10</sup> One possibility is that GPs may have to offer an opinion on the mental health of an individual who has applied for a license and the relative risk that the individual could pose: this has raised concerns from the BMA as it may put undue pressure on the GP as well as raise issues of medical confidentiality. Discussions between ACPO and the BMA are said to be on-going.

In October 2009, Professor David Nutt was asked to resign his Chair of the Advisory Council on the Misuse of Drugs (ACMD): this followed on from prolonged disagreements with the Government on such issues as the re-classification of drugs, the under-estimated danger of alcohol, and the apparent lack of willingness of politicians to listen to the Council's advice. One year on from this turmoil, a paper in the *Lancet* by Professor Nutt et al. [*on behalf of the newly-formed Independent Scientific Committee on Drugs (ISCD)*] has considered the relative dangers of licit and illicit drugs, and discusses the dangers to the individual user as well as to society as a whole. The study used a scoring system out of 100 for each individual drug, using sixteen criteria to establish the figure. The authors argue that, although the dangers from using heroin, crack cocaine and crystal meth are the highest when considering the effect on the individual, when all factors are taken into account, alcohol leads the list of "danger to society", with an overall harm score of 72, followed by heroin (55) and crack cocaine (54).<sup>11</sup>

## References

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